

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ARLEEN BELLARAN,

Plaintiff,

vs.

HOME DEPOT,

Defendant.  
-----X

**07 CIV. 6136**

**COMPLAINT**

**JUDGE ROBINSON**

FILED  
U.S. DISTRICT COURT  
2007 JUN 29 P 1:19  
S.D. OF N.Y. W.P.

By and through her counsel, Michael H. Sussman, plaintiff alleges as to and against defendant:

**I. PARTIES**

1. Plaintiff, Arleen Bellaran [hereinafter "the plaintiff"] resides in Middletown, New York. She is of legal age. She is of Puerto Rican national origin and fifty years old.

2. Defendant, Home Depot, is a multi-national corporation which does business within this judicial district.

**II. JURISDICTION**

3. On or about November 2006, plaintiff filed a complaint of employment discrimination on the basis of age, sex, national origin and retaliation with the EEOC. See, Exhibit 1.

4. On or about April 25, 2007, plaintiff received a right to sue letter on the basis that the EEOC had concluded that it would not be able to process her Complaint. See, Exhibit 2.

5. This Honorable Court has jurisdiction over this matter pursuant to 42 U.S.C. sec. 2000e-5, et. seq. and the Age Discrimination in Employment Act, 29 U.S.C. sec. 621, et seq, as plaintiff has properly exhausted her administrative remedies.

6. This Honorable Court also has jurisdiction over this matter pursuant to 28 U.S.C. secs. 1331, 1343 (3) & (4) and 42 U.S.C. sec. 1988.

### **III. FACTUAL ALLEGATIONS**

7. Plaintiff commenced working for defendant at its Middletown outlet in October 1999.

8. Plaintiff's semi-annual performance reviews were satisfactory.

9. Between 2003 and 2006, plaintiff worked in the "Pro Sales" department, dealing with contractor sales. During this period of time, she was the only non-Caucasian in this department, the only woman in the department and the oldest member of the department.

10. In July 2006, plaintiff sought promotion to the position of department head of Pro sales.

11. The assistant store manager recommended plaintiff strongly for the promotion and brought her to the store manager's office to directly support her application for promotion.

12. Plaintiff did not receive this promotion.

13. The assistant store manager advised plaintiff that the store manager was very vindictive and that she would not receive the promotion because she had made "awareness line" calls, i.e., complaints by associates with respect to management.

14. In plaintiff's case, by the time of this conversation, she had made many non-anonymous complaints about discrimination, concerning her failure to advance, differential pay and wages based on her gender and other indicia of gender discrimination.

15. Plaintiff is, and has been, the lowest paid worker in her department, though she has the most departmental seniority and a superior sales record.

16. Plaintiff's complaints of low wages were made in good faith.

17. Plaintiff's complaints were protected activity and defendant officially bars retaliation against an individual making such a complaint.

18. The retaliation taken against plaintiff contravened official company policy, but, nonetheless, was a common response at plaintiff's store to such

complaints.

19. After the assistant manager advised plaintiff that she would not get this position and she learned that a much younger African-American had been selected for it, two much younger individuals interviewed plaintiff concerning this promotional opportunity for about ten minutes.

20. Plaintiff was better qualified than the candidate selected for the position as plaintiff had three years in the department [the successful candidate had no sales floor experience and had never worked in Pro Sales] and had four more years of experience in defendant's employ.

21. The store manager was the ultimate decision maker; after the successful candidate was officially announced, plaintiff approached him to discuss why she did not get the position.

22. He advised her that no one in her department wished to work with her which, to plaintiff's knowledge, was blatantly untrue, indeed, the opposite of the truth.

23. After the filing of an internal complaint relating to this position, the store manager continued to retaliate against plaintiff, bad-mouthing her to others in the store, denigrating her capacity and questioning her loyalty to the store and to defendant.

24. Since filing her complaint of discrimination, plaintiff has experienced threatening and bullying behavior by the store manager.

25. As a consequence of the discrimination to which she has been subjected, plaintiff has suffered pecuniary and non-pecuniary damages which are compensable under Title VII.

26. As a consequence of the discrimination to which she has been subjected, plaintiff will heretofore continue to suffer pecuniary and non-pecuniary damages.

27. The acts which have injured plaintiff and violated the law were intentionally and knowingly committed.

#### **CAUSES OF ACTION**

28. Plaintiff hereby incorporates paras. 1-27 as if fully re-written herein.

29. Defendant violated plaintiff's rights under Title VII and the Age Discrimination in Employment Act [ADEA] by discriminating against her on the basis of gender, age, national origin and retaliation when it failed to promote her in July 2006 to the position of Department head and when it consistently under-paid her when compared with others in her department.

#### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff prays that this Honorable Court:

- a) accept jurisdiction in this matter;
- b) empanel a jury to fairly hear and decide this controversy;
- c) award to plaintiff compensatory and punitive damages with pre and post judgment interest;
- d) order defendant to forthwith promote plaintiff to the next available department head position for which she qualifies;
- e) award plaintiff the attorneys fees and costs of this litigation and
- f) enter any other order the interests of justice require.

Respectfully submitted,

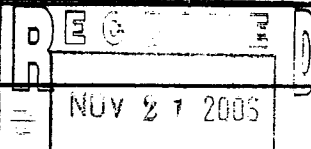
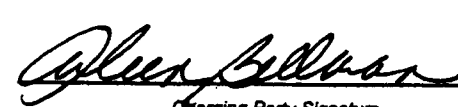
MICHAEL H. SUSSMAN [3497]

SUSSMAN & WATKINS  
PO BOX 1005  
GOSHEN, NY 10924  
(845)-294-3991

COUNSEL FOR PLAINTIFF

DATED: JUNE 1, 2007

# EXHIBIT 1

<b>CHARGE OF DISCRIMINATION</b>		Charge Presented To: _____ Agency(ies) Charge No(s): <b>520-2006-03454</b>	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
<b>New York State Division Of Human Rights</b> and EEOC			
<small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) <b>Ms. Arleen Bellaran</b>		Home Phone (Incl. Area Code) <b>(845) 344-4816</b>	Date of Birth <b>01-04-1957</b>
Street Address <b>22 Highland Avenue, Middletown, NY 10940</b>		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>HOME DEPOT</b>		No. Employees, Members <b>500 or More</b>	Phone No. (Include Area Code)
Street Address <b>2455 Paces Ferry Road, Atlanta, Georgia 30339</b>		City, State and ZIP Code	
Name <b>Home Depot Headquarters</b>		No. Employees, Members	Phone No. (Include Area Code) <b>770-433-8211</b>
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es))		DATE(S) DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> OTHER (Specify below.) <span style="margin-left: 400px;"><b>WAGE</b></span>		Earliest    Latest <b>9-2003 to 8-2006</b>	
		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p><i>I Am Employed by the Home Depot since Oct 1999. I Am PRESENTLY EMPLOYED (SEVEN YEARS). MY PERFORMANCE EVALUATIONS WERE ALWAYS SATISFACTORY stating that I Am promotable. I presently work in the "Pro Sales" department. I have worked in the department for 3 years.</i></p> <p><i>JUNE 2006</i></p> <p><i>I put my information into the "JPP" for the Pro Sales department Head position. I WAS given A glowing RECOMMENDATION by my Assistant Manager and my District LPS Manager elected me to be "Team Captain" of the Pro Sales department. I also was second in sales for three years and second in credit card sales in the store. SEVERAL times I WAS in the top 5 sales persons. I also handled state accounts for the store.</i></p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is the best of my knowledge, information and belief.	
Date <b>11-13-06</b>		SIGNATURE OF COMPLAINANT 	
Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) <b>11-13-2006</b>	

S.C.

RAFAEL A. CAPELLAN  
 Notary Public, State of New York  
 Reg. No. 01CA6077769  
 Qualified in Orange County  
 My Commission Expires July 15, 2010



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FEPA



EEOC

520-2006-03454

## New York State Division Of Human Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Dispite the RECOMMENDATIONS OF my SUPERVISOR AND high Achievements in my department I WAS told by my ASSISTANT MANAGER that I will not RECEIVE the department head position because the store manager told him because I made "AWARENESS line calls" against him he would not give me the promotion. I WAS told that the store manager WAS RETALIATING AGAINST me - my ASSISTANT MANAGER said that MARK GOTTENBERG the store manager WAS being VINDICTIVE AND he TAKES AWARENESS line calls PERSONAL because they AFFECT his metric REPORT CARD. AS A RESULT the ADVERSE ACTION WAS that Although I WAS highly qualified for the position I WAS denied the opportunity.

July 14, 2006 AGE:

I WAS interviewed by my "NEW" ASSISTANT MANAGER AND AN ~~HAULY ASSOCIATED~~ SAT in the office during my interview INSTEAD OF my HUMAN RESOURCE REPRESENTATIVE. THEY MADE A MOCKERY OF my INTERVIEW. IT lasted no more than 10 min AND I felt humiliated. THEY WERE JOKING AND laughing during my interview because I AM much older than them I AM 50 YEARS old JAN, THEY ARE much younger than I. AND THE person who got the position is much younger than I AM. I BELIEVE I did not get the position because of my AGE AND

August 11, 2006 Discrimination - Retaliation Ethnic/Basic ground

WHEN I WAS told I did not get the position, the Asst. mang. Refused to tell me why. ~~However~~ I WAS not qualified. I mention At this time that my original Asst. manager who recommended me to the store manager for Dept. Head position was no longer with this company in a management capacity.

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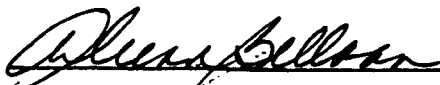
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

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11-13-06

Date



Charging Party Signature

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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

August 2006 RATIONAL ORIGIN NO promotion Retaliation  
 I Am being treated less favorably I believe, because I Am of Philipino, Puerto Rican Ethnicity. There Are no Puerto Rican or Philipino department Heads. Most of the Employees of Hispanic decent work on the night crew.  
OCT 2003 to November 2006 WAGE - single parent  
 I Am the only female Pro sales PASA And HAVE BEEN since I WAS hired to the dept of PRO sales. I Am the lowest paid And I Am the only women And only Hispanic-Philipino in the dept. When I first worked in the Dept "3" white men went home at 3:00pm And left me to close until 6:pm EVERY night. Dispite my many requests to alternate the hours to the Store manager my requests were refused. I Am a single mother with two young children at home. I Am the only parent raising young children alone in my department working at the time. After many calls to the Awareness line (third party Ethical Compliance line) my hours were changed so this is part of the reason for Retaliation not getting the department Head position. BECAUSE I Reported the above mentioned behavior to an outside company And my Store manager receives the Reports. He was not happy And told me on many occasions he can fire me at anytime because the Home Dept is a FREE At will hiring company. The Store manager told my department Head Steve Wojek that He (the Store manager) wants me to go back to being a Cashier And that when I do something that is not Standard operational procedure to write it in A "Black Book" in the Store managers

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Allen Bellan

Date

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THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s)):

SEX discrimination July 2005

OFFICE. STEVE WOJCIK told this to me AND to GEORGE FIGUEROA (MICHAEL SUSSMAN'S LAW OFFICE), during the middle of September 2006.

JUNE 2006 DISCRIMINATION AGAINST SINGLE PARENT of ADHD child

I ASKED THE STORE MANAGER (when the position first became available) if he would consider me for the department head position of pro sales. We were standing outside the store. He reminded me that I have a son with special needs and he didn't think I could handle the position. I reported this to Rosemary Colorado district Human Resource representative. She said she would talk to MARK Goldenberg, the store manager. She never got back to me. March 2006 discrimination on marital status and disability.

I WAS CALLED INTO MARK GOLDENBERG'S OFFICE BY MARK AND THE DISTRICT MANAGER CHUCK WATSON TO discuss pro sales person's job description AND what was going to be expected of us. During this meeting I mentioned to the store manager that my son is classified by the school as ADHD, and he is changing medication so I may have to leave "occasionally" "if" the school calls me. The store manager responded "If your son has a problem, then maybe you shouldn't be at the pro desk." I told the store manager that I CAN'T afford to lose my position because I am a single mother AND I am not absent excessively. I became emotional. I apologized for being emotional to Chuck Watson AND he assured me later on the phone that no apology was needed. At this time the store manager was "Bullying me" because I reported one of his "FAVORITES-good ol' boy" to our security

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FEBRUARY 8, 2006 ↓  
 department, for driving a Reach truck without a license. The Associate Steve Becker was given special Accommodation for his family needs (scheduling). He worked hours he needed not the hours assigned by his department. The driving without a license during store hours and putting customers at risk caused the District Human Resource Mgr. to come to our store and investigate the behavior. Shortly after the store managers' "good ol' boy" was no longer working at the Home Depot. The store manager Bully's me and retaliates against me and denied me the promotion partially because I reported the violation of one of his favorite Assoc. who is ~~and~~ a white single parent.

I called the Awareness line and reported that the Assoc Steve Becker was retaliating against me by mocking me in front of other Assoc. Steve Becker told other Associates I was a "Rat". Retaliation on the job by Assoc. towards Assoc. For reporting a violation of safety policy if "Founded" is a terminatable offense. I was refused a merit increase and a Department head position in December of 2005 because I made an Awareness line call and Mark called me in the office and told me he was aware of my Awareness line calls because he receives them and he was holding a paper in his hand and told me he even knows the time that I made the call. I never received this promotion either despite my above average work record or the excellent recommendation from Jason Clemons my Asm. I was denied 2 possible promotions.

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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

APRIL 2006 -  
 DURING April 2006 At the Home Depot two Assoc. (Kenny James + Jodi Cereillo) told me that the store manager Mark Goldberg pulled them into his office and said he was watching them on the store camera. the store manager wanted to let them know that he didn't want them talking to me, during working hours. It is part of my job description to confer w/ the IMA or with other pro sales Assoc. Jodi was afraid to talk to me she was crying and didn't know what to do. I HAVE WORKED w/ Jodi + KENNY many years and now they feel there job is on the line if they continued to take breaks or talk to me during work because ~~then~~ MARK told them that "they will have 'problems' because of the company you keep." The store manager is HARASSING "FRIENDS of BELLARON."  
 I filed my complaint of harassment and retaliation with the awareness line, Bob Silk "employment practices director", Tom Sparr Regional Human Res. Director, Rosemary Colorado District Human Resource, Suresan Frankel Store Human Resource, Asst Manager JASON Cramons, Rodgers SANDERS ASST. MANAGER ....

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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I AM IN THE "IN TAKE" STAGE OF MICHAEL SORSMAN'S OFFICE. 40 PARK PL. GOSHEN, NY 10924. I HAVE BEEN TALKING TO GEORGE FIGUEROA FOR 3 MONTHS (SINCE AUGUST 21). I AM ENCLOSED SOME DOCUMENTS TO SUPPORT MY CLAIM OF RETALIATION. I HAVE BEEN OUT ON WORKMAN'S COMP. SINCE AUG 14<sup>th</sup> SO MY EVALUATIONS IN MY WORK FILE ARE NOT AVAILABLE TO ME AT THIS TIME. TOM SPARR AND BOB SILK HAVE CALLED ME AT MY HOME ASKING TO DISCUSS THE RETALIATION CHARGES AGAINST THE STORE MANAGER. I CALLED THEM BACK TO REPORT BREDA THE DISTRICT PRO SALES MANAGER IS TELLING THE EMPLOYEES IN PRO SALE THAT I AM GOING TO BE FIRED FOR SAVING THE HOME DEPOT. TOM SPARR SAID HE WOULD "INVESTIGATE MY COMPLAINT" HOWEVER, NO ONE HAS RETURNED MY CALL.

THE STORE MANAGER RETALIATES AGAINST ME ON THE JOB AND TELLS OTHER MEMBERS OF MANG. AND OTHER ASSOC. THAT "I KNOW NOTHING ABOUT PRO SALES" "80 PERCENT OF THE AWARENESS LINE CALLS COME FROM ARIEN". THESE ASSOC.

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HAVE SPOKEN TO GEORGE FIGUEROA FROM MICHAEL SUSSMAN'S <sup>LAW</sup> OFFICE. THE HARASSMENT AND RETALIATION FROM THE STORE MANAGER MARK GOLDBERG AFFECTS MANY ASSOCIATES AT THE HOME DEPOT. THEY ARE AFRAID TO BE FIRED, IF THEY COME FORWARD.

July 2006

I WAS CALLED INTO THE STORE MANAGERS OFFICE BY RODGER SAUNDERS AND AMY (Hourly ASSOC) WAS PRESENT. FOR BETTER THAN 45 MIN RODGER PUT HIS CALLS ON HOLD AND PROCEEDED TO INTERROGATE ME IN REGARDS TO THE APPROVAL OF A WIRE SALE FOR A CUSTOMER "Lanka electric". RODGER REQUESTED THAT I WRITE A STATEMENT THAT WOULD STATE I CALLED ANTHONY SMITH DISTRICT MANAGER TO APPROVE THE SALE. I DID NOT CALL DISTRICT AND REFUSED TO WRITE THE STATEMENT. THE CONVERSATION BECAME HEATED. I REFUSED TO WRITE THE STATEMENT. RODGER TOLD ME "WHEN YOU ARE THE ONLY ASSOC THAT WOULD CALL DISTRICT MANAGER ANTHONY SMITH AND UNDERMINE MY AUTHORITY. I REPLIED THAT ALTHOUGH IT IS TRUE I WOULD CALL DISTRICT TO APPROVE AN ORDER IN THIS SITUATION, HE REFERED, TO I DID NOT! I MENTION TO RODGER THAT ANOTHER LONG TIME ASSOCIATE KEESHA WRIGHT FROM FLOOR AND WALL WOULD CALL ANTHONY SMITH FOR HELP IF SHE NEEDED IT. THE MEETING ENDED. I DID NOT WRITE THE STATEMENT. RODGER'S TONE OF VOICE AND BODY LANGUAGE MADE ME FEAR.

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OF being FIRED. A WEEK LATER KESSENA WRIGHT (A SINGLE MOTHER - ETHNIC WOMEN) WAS FIRED. KESSENA WAS HIRED BACK 10 DAYS LATER WITH BACK PAY. KESSENA WRIGHT WAS FIRED FOR NOT DOING HER SALES QUOTA - OTHER (WHITE) ASSOC. NOT MAKING THERE SALES WERE NOT FIRED. I TOLD KESSENA TO CALL ANTHONY SMITH DISTRICT MANAGER AND ROSEMARY DISTRICT H.R. I AM AFRAID EVERYDAY OF BEING FIRED AND OTHER ASSOCIATES IN MY DEPARTMENT HAVE REFUSED TO MAKE STATEMENTS AGAINST ME AT THE REQUEST OF MANAGEMENT. THESE ASSOCIATES WANT TO STEP FORWARD. KENNY. JAMES A 15 YEAR EMPLOYEE IS BEING HARASSED AND HIS JOB WAS THREATENED BY THE STORE MANAGER BECAUSE HE TOLD THE STORE MANAGER HE WOULD NOT WRITE A "FALSE" STATEMENT AGAINST ME. THE ASST. MANAGER I MENTIONED EARLIER WHO GAVE ME "A glowing glowing RECOMMENDATION FOR THE DEPARTMENT HEAD POSITION", HE IS A BLACK MAN WHO WORKED FOR THE COMPANY FOR 13 YEARS HE LEFT THE COMPANY (HE TOLD ME) BECAUSE OF THE DISRESPECT TOWARDS HIM BY MARK GOLDENBERG THE STORE MANAGER. OTHER ASSOCIATES ARE AFRAID TO

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State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

OF BEING FIRED. A WEEK LATER KESNA KESNA WRIGHT (A SINGLE MOTHER - ETHNIC WOMEN) WAS FIRED. KESNA WAS HIRED BACK 10 DAYS LATER WITH BACK PAY. KESNA WRIGHT WAS FIRED FOR NOT DOING HER SALES QUOTA - OTHER (WHITE) ASSOC. NOT MAKING THERE SALES WERE NOT FIRED. I TOLD KESNA TO CALL ANTHONY SMITH DISTRICT MANAGER AND ROSEMARY DISTRICT H.R. I AM AFRAID EVERYDAY OF BEING FIRED AND OTHER ASSOCIATES IN MY DEPARTMENT HAVE REFUSED TO MAKE STATEMENTS AGAINST ME AT THE REQUEST OF MANAGEMENT. THESE ASSOCIATES WANT TO STEP FORWARD. KENNY. JAMES A 15 YEAR EMPLOYEE IS BEING HARASSED AND HIS JOB WAS THREATENED BY THE STORE MANAGER BECAUSE HE TOLD THE STORE MANAGER HE WOULD NOT WRITE A "FALSE" STATEMENT AGAINST ME. THE ASST. MANAGER I MENTIONED EARLIER WHO GAVE ME "A glowing RECOMMENDATION FOR THE DEPARTMENT HEAD POSITION", HE IS A BLACK MAN WHO WORKED FOR THE COMPANY FOR 13 YEARS HE LEFT THE COMPANY (HE TOLD ME) BECAUSE OF THE DISRESPECT TOWARDS HIM BY MARK GOLDENBERG THE STORE MANAGER. OTHER ASSOCIATES ARE AFRAID TO

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

520-2006-03454

New York State Division Of Human Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s)):

Help me on the job or Associate with me at work because it has become common knowledge that MARK Goldberg is attempting to end my 7 year career at the Home Depot and put my family in Financial Dispair. IN ONE MONTHS TIME MY ASST MANAGER AND A "FRIEND" OF SEVEN YEARS AT THE HOME DEPOT BOTH BLACK WERE EITHER FIRED A RETIRED OR SIMPLY LEFT.

I HAVE BEEN OUT ON "WORKMANS COMP" SINCE AUGUST. DURING MY ABSENCE A NEW ASSOCIATE JEREMY McHILLAN IS TELLING OTHER ASSOCIATES THAT "WHEN ADREEN COMES BACK SHE WILL BE FIRED BECAUSE SHE IS SING THE HOME DEPOT." I MENTIONED THIS EARLIER IN MY STATEMENT AND I SCARED AND FEEL HOPELESS. I HAVE WATCHED ASSOCIATES BEING WALKED OUT OF THE STORE (KISSENA WRIGHT) CRYING. I HAVE A MORTGAGE AND SMALL CHILDREN.

ON ONE OCCASION I TOLD THE STORE MANAGER THAT THE FEDERAL GOVERNMENT SAYS THAT I HAVE THE RIGHT TO EARN A FAIR WAGE IN AN INVIRONMENT WITHOUT DISCRIMINATION OR HARASSMENT." MARK GOLDBERG REPLIED "YOU DO WHAT YOU HAVE TO DO AND I WILL DO WHAT I HAVE TO DO." MARK GOLDBERG SAID THIS IN FRONT OF "ZEKE" (A NEW ASST. MANAGER WHO IS YOUNG FEMALE AND NEW TO OUR STORE.)

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

# EXHIBIT 2



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**New York District Office**

Rodney Plummer  
Investigator  
Phone (212) 336-3767  
Fax (212) 336-3790

33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004-2112  
(212) 336-3620  
TTY (212) 336-3622  
General FAX (212) 336-3625

April 20, 2007

Arleen Bellaran  
22 Highland Avenue  
Middletown, New York 10940

**Re: Arleen Bellaran v. Home Depot**  
**EEOC Charge No. 520-2006-03454**

Dear Ms. Bellaran:

This is to inform you that we have received your letter dated January 26, 2007 regarding the above captioned case.

Ordinarily a charging party or his/her counsel is not entitled to receive a Notice of Right to Sue upon request until the charge has been pending with the EEOC for at least 180 days. However, an early Notice of Right to Sue is authorized by 29 C.F.R. § 1601.28(a)(2) if the Director determines that the Commission will not be able to complete its administrative process within 180 days of when the charge was filed.

We have reviewed the information provided in your charge and based upon our assessment, in accordance with the Commission's Priority Charge Processing Procedures, current office workload and staffing, we have determined that it is appropriate to issue a Notice of Right to Sue at this time.

Enclosed is your Notice of Right to Sue which allows you to file suit against the Respondent in Federal District Court. Upon receipt of this letter you may only pursue this matter by filing suit within 90 days, otherwise, your right to sue will be lost.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney E. Plummer", written over a horizontal line.

Rodney E. Plummer  
Federal Investigator

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)**

To:  
Arleen Bellaran  
22 Highland Avenue  
Middletown, New York 10940

From:  
Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street, 5<sup>th</sup> Floor  
New York, New York 10004-2112

On behalf of person(s) aggrieved whose identity is  
*CONFIDENTIAL* (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
520-2006-03454	Rodney E. Plummer	(212) 336-3767

(See also the additional information attached to this form.)

**NOTICE TO THE PERSON AGGRIEVED:**

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☐ More than 180 days have passed since the filing of this charge.
- ☒ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☒ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Spencer H. Lewis, Jr., District Director

APR 24 2007

(Date Mailed)

Enclosure(s)

cc: Respondent(s): The Home Depot  
2455 Paces Ferry Road  
Atlanta, GA 30339  
Attn: Laura Arnold